

Indiana House of Representatives

News and Information

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STATEHOUSE REPORT FROM REP. TRENT VAN HAAFTEN

INDIANAPOLIS – The ceremonial portion of the legislative session is behind us and it is now time to get down to the real business. Three items of interest occurred last week: Gov. Mitch Daniels gave his State of the State address, Indiana Supreme Court Chief Justice Randall Shepard delivered the State of the Judiciary the following day and the deadline for filing proposed bills passed.

Gov. Daniels speech concentrated on two issues: his Major Moves initiative for road funding and an increase in the cigarette tax.

The Major Moves initiative is contained in House Bill 1008, which carries the title “Public, private agreements for transportation.” If this legislation passes, then the Governor will be allowed to lease the Toll Road in northern Indiana as well as having Interstate 69 constructed and then handed over to a private company, quite possibly a foreign corporation.

I have stated before my reluctant acceptance of I-69 as a toll road, but I cannot take the extra step and agree to sell Indiana’s assets to someone else, especially a foreign company. Quite simply, selling the operation of any road reduces accountability for the operation, maintenance and amount of tolls for the roadway.

More importantly, I am concerned no other options have been discussed for funding I-69. Last year, the legislature enacted new laws allowing the state to strengthen its ability to sell bonds for road construction. Recently, the State of Illinois announced a \$3 billion initiative for road construction to be paid by state bonding. It is my hope the debate on Major Moves is an open debate which discusses options other than putting a “For Sale” on Indiana’s assets.

The Governor’s call for a tax increase on cigarettes caught many of us off-guard. This was the second year in a row he has proposed a tax increase. In expressing concern for the health of Hoosiers and underage smoking, Governor Daniels suggested the tax on a pack of cigarettes be increased by 25 cents a pack.

“Sin taxes” are always easy marks when tax increases are discussed. Unfortunately, the governor did not provide any details how to use the estimated \$120 million increase in revenue from a cigarette tax hike. In order to make a final determination on the appropriateness of such a tax increase, the Legislature must know how the extra revenue will be used.

As a member of the Judiciary Committee, I was able to help pass the Eminent Domain bill on to the full House. We approved House Bill 1010, which would restrict the use of eminent domain by governments to take property for use for private economic projects. The legislation comes in reaction to a 2005 U.S. Supreme Court decision what enables officials to condemn homes and business for development projects.

The bill would allow eminent domain to be used only as a last resort if no other reasonable alternative exists. The government would be required to pay homeowners 150 percent of the property’s fair market value, as well as most of the owner’s attorney fees.

While the measure has received substantial support so far, many are worried about a provision in House Bill 1010 that exempts Indiana Department of Transportation (INDOT) from the eminent domain restrictions.

I do not believe some government agencies should play by different rules than others, and there are concerns INDOT will use this exemption to grab property for some of the public-private partnerships proposed in the Major Moves legislation.

No doubt this special treatment of INDOT will be heavily debated on the floor of the House.

Chief Justice Shepard's State of the Judiciary carried a personal highlight for me as he singled out my wife, Beverly, for her efforts in the Volunteer Lawyer Program here in Southwestern Indiana. It was a surprising but well appreciated accolade.

Now that the deadline for filing bills has passed, my time over the weekend was consumed by poring over bills. The next two weeks promise to be busy as many initiatives will be presented in House committees.

On a final note, I want to thank those who attended the Meet Your Legislators in Poseyville this past weekend. Sen. Lutz and I will be in Mt. Vernon on February 4 at the Alexandrian Public Library.

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